

LUCAS CRANOR, individually and
on behalf of himself and all others
similarly situated,
Plaintiff,
v.
THE ZACK GROUP, INC.,
Defendant.

V.

THE ZACK GROUP, INC.,
Defendant.

Pending before the Court is plaintiff's email requesting a discovery dispute teleconference, as well as defendant's response email. The Court believes this matter can be resolved without holding a teleconference. Plaintiff seeks to have its expert conduct an inspection of defendant's software used to send text messages to plaintiff and others in the putative class in order to determine if that software/equipment had the capability of being used as an "automatic telephone dialing system" under the TCPA. Defendant opposes plaintiff's request, noting (among other things) that plaintiff's request is premature and potentially unnecessary, as plaintiff has not sought to obtain the same information through less burdensome means (such as through depositions or written discovery). The Court finds defendant's position persuasive, and finds plaintiff's request to be premature. Only upon a demonstration that plaintiff cannot obtain the same information through less burdensome means will the Court reconsider this ruling.

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge